



**UNITED STATES PATENT AND TRADEMARK OFFICE**

*Examiner:* Ernesto Garcia

*Art Unit:* 3679

*In re:*

*Applicant:* WESTERMANN, et al

*Serial No.:* 09/319,842

*Filed:* August 9, 1999

***PRELIMINARY AMENDMENT***

June 5, 2003

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

This Amendment is submitted preliminary to the issuance  
of an Office Action.

The Examiner applied in the parent case two prior art documents, in particular:

European patent document EP 0 655 373 A1 and

French patent document FR 2 631 300 A1.

It is believed to be advisable before the analysis of the prior art to explain again the subject matter of the present invention. The present invention deals with a bearing element for hinging a wiper blade to a hook-shaped end of a wiper rod of a windshield wiper. The bearing element in a first embodiment must be suitable for different wiper rods with two different width. In a second embodiment it must be suitable additionally for wiper rods which have two different material thicknesses and in some cases two different bending radii of the hook-shaped ends.

For receiving and laterally guiding the differently wide wiper rods, the bearing element, on the regions of its side walls which are opposite to the bearing axis, has guide surfaces which have different distances or clearances from one another to correspond to the different widths of the wiper rods. By turning the bearing element over approximately 180° around

its bearing axis, during mounting guiding surfaces for a small wiper rod and guiding surfaces for a wide wiper rod become alternatively available.

European patent document EP 0 655 373 A1 does not deal with problems of differently wide wiper rods, nor discloses a bearing element which can be suitable for mounting of such wiper rods. This reference discloses a bearing element which is suitable for two types of the wiper rods which are different from one another in their material thicknesses and bending radii of the hook-shaped ends. Both versions of the wiper rod are mounted from the same end of the bearing element and, not as required in accordance with the present invention, by turning the bearing element approximately about 180°. Therefore, it is believed that the new features of the present invention which are defined in the claims are new and not disclosed in this reference. Also, a person of ordinary skill in the art would not find any hint or suggestion for such features in this reference and therefore it is believed that these features can not be considered as obvious from the teaching of the reference.

The second reference, namely the French reference FR 2 631 300 A1 discloses a bearing element which is suitable only for one type of the wiper rods. It is not adaptable to wiper rods which are different in their

widths or in their material thicknesses and bending radii. For lateral clearance compensation, they have formations which abut elastically against the neighboring components. These formations do not serve for enabling a bearing element to guide different widths wiper rods.

For mounting different widths wiper rods with the same bearing element in the inventive manner by turning the bearing element by 180°, claim 3 defines an additional variation possibility, so that the bearing element can provide mounting of wiper rods with a different material thickness and a different bending radius of its hook-shaped end. With this second version, at least three different wiper rods can be mounted in the inventive bearing element.

The prior art does not disclose a bearing element which provides so many variations. The device disclosed in U.S. patent 5,289,608 discloses a bearing element which can be adapted for a wiper rod with a different width and a different bending radius. The bearing part element be used for wiper rods with different widths and with different bending radii. Moreover, the lateral guide surfaces are located parallel to one another in a longitudinal direction, so that one guide surfaces extend with a small distance inwardly and the other extends outwardly. The hook-shaped end

is identically oriented relative to the bearing element for both versions. It is not turned by 180° for the change between the versions. The arrangement of the guide surfaces of the known device is therefore not comparable with the inventive solution and does not allow further variations for mounting of a wiper rod with a hook-shaped end and different material thicknesses.

In view of the above presented remarks and amendments, it is believed that the claims currently on file should be considered as patentably distinguishing the present invention over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long, sweeping horizontal line.

Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233